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**THE PROTECTION OF CHILDREN DURING ARMED
CONFLICTS: ISRAELI VIOLATIONS OF INTERNATIONAL
HUMANITARIAN LAW IN THREE WARS IN GAZA**

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ABSTRACT

Children are one of the most vulnerable categories of victims during armed conflicts. Although several international instruments exist to protect them and civilians in general, there are still many violations committed against children worldwide. This article reports a pure doctrinal research that has used a descriptive analytical approach. It seeks to address the issue of the protection of children from the perspective of International Humanitarian Law. The context of the study is its focus on Israeli violations committed during three wars in the Gaza Strip, i.e., in 2008, 2012 and 2014. The violations were analysed using the framework of the rules and principles of International Humanitarian Law, specifically the Geneva Convention IV and its two additional protocols regarding the protection of children

during armed conflicts. It is important to understand the nature of the protection provided to children under International Humanitarian Law and to identify whether the Israeli forces breached the rules during the three wars. This will expose the Israeli violations and provide better protection for the people in Gaza, especially children in wartime. Finally, the study summarises that the International Humanitarian Law provides a special protection to children in wartime alongside the protection provided to civilians. It also concludes that during the wars in the Gaza Strip, i.e., in 2008, 2012 and 2014, Israel did violate the principles of International Humanitarian Law concerning children and the civilians in general.

Keywords: International Law, International Humanitarian Law, protection of children, armed conflict, Israeli war, Gaza Strip.

INTRODUCTION

Children are in the most vulnerable group during armed conflicts, therefore international legal protection exists for the children to be protected against the ruthless impacts of wars. The International Humanitarian Law (IHL) governs the rules of conduct in armed conflicts, in that it is concerned with the rights and responsibilities of the parties involved during the conflict, and therefore will attempt to lessen the sufferings and stop the abuse of those who do not wish to get involved, i.e., the civilians (Hastuti, 2016). The IHL also provides special rules to protect children during armed conflicts. The concept of the protection of children was first coined in the 4th Geneva Convention in 1949. The Geneva Convention discussed several articles regarding the protection of children that will be applicable during international armed conflicts. Furthermore, Article 77 (1) of Protocol I (1977) states that children must be respected and protected against any forms of violations. Aid and care should also be given to them. The outcomes of the 4th Geneva Conventions help to overcome the shortcomings of the IHL, particularly as a result of World War II where most of the victims were civilians which included children (The United Nations Institute for Disarmament Research [UNIDIR], 2011).

Although the IHL is part of the international law and applicable to armed conflicts, it is not the only international instrument that aims to

protect children and their rights during armed conflicts. An example in this case is the United Nation Convention on the Rights of the Child (1989). Despite the fact that the application of the IHL is primarily for peacetime, this does not prevent its application during armed conflicts. In essence, the instrument for the protection of children provided by the IHL is highly regarded by all parties and can be applied in the event of armed conflicts. This means it must be respected and upheld by the parties involved during armed conflicts (UNIDIR, 2011).

Throughout history, several wars had been launched by the Israelis against the Palestinians at the Gaza Strip; most recently in 2008, 2012 and 2014 involving large-scale, continuous military operations using a huge military arsenal with different sorts of warplanes, tanks and gunboats. First, on 27th December 2008, Israeli troops waged a war in Gaza known as the Operation Cast Lead through a wide airstrike which attacked police stations, and killed a total of 248 policemen (Stead, 2018). After one week of the airstrikes, Israel proceeded with a ground invasion into the Gaza Strip. Israeli military operations continued until 18th January 2009. In this war, Israel used their huge military arsenal against unarmed people, leading to the killing of 1,390 Palestinians, including 344 children while thousands got injured. They also used white phosphorus weapon against the civilians, which was clearly a violation of international law (Stead, 2018).

Second, on 14th November 2012, Israel assassinated Mohammed Al Jabari, the Commander of the military wing of Hamas, leading to the conflagration of the 2012 war. Israeli forces in this war relied only on airstrikes. As a result of efforts made by Egypt to get the warring parties to agree to a ceasefire, the 2012 war lasted only eight days, thus making it a shorter war compared to the other two wars. This 2012 war left 167 Palestinians dead and these included 43 children (BBC, 2014).

The third Israeli war in the Gaza Strip started on 7th July 2014. It lasted for 51 days and was the longest and most violent war compared to the 2008 and 2012 wars. Israel used unprecedented violence against everything in Gaza. A ground invasion inside Gaza by the Israeli force killed 2,200 Palestinian civilians which included 521 children. The humanitarian crisis in the Gaza Strip occurred because fragile infrastructure and innocent groups of civilians were targeted (Shehadeh, 2015).

As such, several violations were committed against civilians by Israeli forces during the three wars, particularly against children. From the figures mentioned previously, it is to be submitted that the child victims comprised approximately a quarter of the total number of victims in each of the wars. This constitutes a problem that must be legally addressed from the IHL's perspective using the available legal instruments. This matter is important to determine the extent of the violations committed by the Israeli armed forces. Furthermore, it is also critically important to know whether the available legal instruments can provide necessary and sufficient protection for children during armed conflicts and to better understand the nature of this protection.

At the moment, there are not many academic works addressing the Israeli-Palestinian conflicts from the legal perspective. Previous works mostly discussed Israeli violations from different perspectives or specific attacks during the wars. For example, Abou Jalal (2014) with her study entitled "Gaza war leaves students with ruined classrooms" and Badawy (2015) with his article "Black Friday: Rafah massacre that still haunts Gaza". There are also very few works that generally discussed about child protection under international law, for example the thesis by Al-Najjar (2011) on "The Protection of Children in Armed Conflicts under the Rules of International Law". Previous works did not specifically address the issue of child protection during the Israeli-Palestinian armed conflicts between 2008 and 2014. This lacuna will be filled in this article.

METHODOLOGY

This article is about a pure doctrinal research with descriptive analytical approaches to analyse the rules of international law concerning the protection of children in armed conflicts. In addition, it describes and analyses Israeli practices of its armed forces during the three wars in the Gaza Strip in 2008, 2012 and 2014. The analyses were carried out within the framework of the relevant rules under international law in order to draw the appropriate conclusions from the findings. There are two sources of data used in the research, namely primary and secondary. The primary sources are the relevant international humanitarian law, i.e., the Geneva Convention IV and its two additional protocols. Meanwhile, the secondary sources are the

relevant academic materials obtained using the internet as the main source of data collection.

DEFINITION OF A CHILD IN INTERNATIONAL HUMANITARIAN LAW

The IHL as an instrument that provides protection for children during armed conflicts however, does not clearly determine the definition or concept of a “child” or even a specific age group for “childhood” (Dixit, 2001). Broadly speaking, the Articles of the Geneva Convention IV (1949) and its two additional protocols (1977) mentioned three different ages that refer to children. Firstly, the articles identified a “child” as a person who is under fifteen years old, establishing the yardstick for child welfare, the establishment of safety zones and hospitals, provision of food and clothing and the consignment of relief supplies. Secondly, the articles mentioned that a child is a person who is under twelve years in terms of identifying the identity of the child, which means that a child who is over twelve is capable of establishing his own identity. Thirdly, in relation to capital punishment and enlistment for labour, the Geneva Convention IV and Protocol I identified the age under eighteen as the age of the child, as the age that will not be subject to capital punishment and enlistment for labour (Dixit, 2001).

There are some articles in the Geneva Convention IV (1949) and its two Additional Protocols (1977) that use the term “children” without any interpretation. In this case, unless the context is stated, the word “children” is to be interpreted as persons who are under the age of 18—which refers to a general use of the word. Therefore, the age range of “childhood” is identified depending on the legislation applied in the occupied territory or it is identified by measuring the mental and physical capacities (Geneva Convention IV (GCIV), Art 24, 1949).

Types of Child Protection Under International Humanitarian Law

1. General Protection for Children (as a Member of the Civilian Population)

During international armed conflicts, children are considered as a part of the civilian population and are protected by the

4th Geneva Convention, which is basically aimed at providing protection for civilians in wartime and treating them humanely (Plattner, 1984). Therefore, the general protection that is summarised in the fundamental principles of the IHL, i.e., the principle of distinction and the principle of humanity is applicable to children as civilians (Al-Najjar, 2011). In non-international armed conflicts, children who do not take part in hostilities are also protected under common Article 3 of the 4th Geneva Convention, which states that children must be protected and treated humanely (Plattner, 1984).

2. Special Protection for Children

Although the 4th Geneva Convention contains several articles that provide special protection for children, the Convention however, does not state a special principle for the protection of children. Therefore, in order to fill the gap, two additional protocols were adopted in 1977. These protocols contain a special principle to protect children (Dixit, 2001). Article 77 (1) of Protocol I to the Geneva Conventions (1977) states that *“Children shall be the object of special respect and shall be protected against any form of indecent assault. Parties in the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason”*. The word “shall” used in the previous article indicates that child protection is an obligation to be fulfilled by parties in armed conflicts, while the term “special respect” means that child protection should be of the utmost priority (Dixit, 2001). Article 4 (3) of Protocol II of the Geneva Conventions (1977) also provides a somewhat similar provision applicable to non-international armed conflicts. It states that *“Children shall be provided with the care and aid they require”*. In this sense, the IHL is a solid instrument that provides a special principle for child protection during international and non-international conflicts. The special protection is summarised in the following points.

Children and Their Families

First, the IHL aims to preserve family unity during armed conflicts because the separation of family members has negative physiological effects, particularly on children. There are several

provisions in the IHL, whether in the 4th Geneva Convention or in the two additional protocols that aim to achieve family unity during armed conflicts (Plattner, 1984). Article 82 of the 4th Geneva Convention calls for gathering arrested persons from the same family in the same place of detention, especially the parents and their children. The article further states that *“Internees may request that their children who are left at liberty without parental care shall be interned with them.”* Article 75 (5) of the Additional Protocol I (1977) also states that *“In cases where families are detained or interned, they shall, whenever possible, be held in the same place and accommodated as family units”*. In terms of enhancing family and child protection, Article 76(2) of Protocol I (1977) states that cases of arrested women who have children shall be considered with the utmost priority. The article, in paragraph (3), calls on avoiding the death penalty for pregnant women and other women who have dependent children. Furthermore, Article 25 of the 4th Geneva Convention states that all persons including children who stay in the territory of a party in a conflict, or in occupied lands, have the right to exchange news with their families. In short, the IHL seeks to protect and preserve the unity of family during both international and non-international armed conflicts. Article 4(3) (b) of Protocol II (1977) supports this by proposing that *“All appropriate steps shall be taken to facilitate the reunion of families temporarily separated”*.

The Care of and Aid for Children

Second, the IHL calls for the conflicting parties to provide children with the care and aid they need (GCIV, Art 25, 1949). The necessary institutions that are concerned about the protection of children must keep working during armed conflicts. In Article (50) of the Geneva Convention IV (1949), it is stated that in case of an occupation, the occupation authorities have to coordinate with the local or national authorities to facilitate the functioning of children's care institutions. Such institutions have a central role in the welfare of children and in reducing the tragic impacts of the wars on them. Therefore, the duty of occupation authorities is not limited to preventing any obstructions to those institutions, but they have to encourage and support such organisations (Dixit, 2001). On the other hand, concerning the non-repatriated children, Article 38 of

the Geneva Convention IV (1949) specifically pointed out that these children have the same right to any preferential treatment similar to that of the local children. Next, Article 70 (1) of Protocol I (1977) states that children should always be the priority in the distribution of relief aids. In addition, Article 78 of Protocol I (1977) provides that children will temporarily be evacuated when their health or medical status requires them to be given this privilege. In respect of non-international armed conflicts, Article 4 (3) of Protocol II (1977) states that children have the right to get the needed care and aid during armed conflicts.

Education of Children

Third, as stated in Article 50 of the Geneva Convention IV (1949), in an international armed conflict that results from an occupation, the IHL obliges the occupying power to facilitate the education of children by not obstructing education institutions from operating. Not only that, the occupation authority must also take the necessary measures to provide education to children under its occupied territory when education institutions for children are found to be inadequate (Dixit, 2001). In the case of internal armed conflicts, Article 4(3) (a) of Protocol II (1977) states that “*Children shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care.*” Next, in the case of children evacuated to foreign countries, each party in the conflict is obliged to ensure the safety of the children and their rights to obtain an education following the desire of their parents (Plattner, 1984).

Evacuation of Children

Fourth, Article 17 of the Geneva Convention IV (1949) which states that the parties involved in a conflict shall seek to sign agreements on the evacuation of children and mothers, along with the wounded from the besieged areas. The way of drafting this article indicates that parties to the conflict are not obliged to honour such agreements, but they should regard this as a strong recommendation to protect children during the conflict. In addition, the parties in an armed conflict have a moral duty to protect children and the weak categories of society (Dixit, 2001). In this regard, Article 78 of Protocol I (1977) provides

that the conflicting parties are not allowed to take individual measures to evacuate children to foreign countries other than the national children, except in the case of a temporary evacuation for compelling reasons related to the safety or health of the children. However, these cases require a written consent from either the parents or their legal guardians.

Personal Status of Children

Fifth, World War II saw several cases of changing the personal status of children for recruitment purposes (Plattner, 1984). As a result, according to Article 50 of the Geneva Convention, it is prohibited for the occupation authority, under any justifications, to change the personal status of children within the occupied territory. The personal status in question includes a child's religion, nationality, family and race (Dixit, 2001).

Internment or Detention of Children

Sixth, under the IHL, children as part of the civilians afforded protection can be arrested or interned during armed conflicts for various reasons, for example for their own security or because of breaching the law (Plattner, 1984). The IHL contains several provisions and rules to ensure the protection of arrested or detained children. Under Article 77 (4) of Protocol I (1977), arrested children shall be held in places far away from the arrest quarters of adults, except in the case of family units. They must also be in the same place with their parents. This is stated in Article 82 of the Geneva Convention VI.

Furthermore, Article 94 of the Geneva Convention IV (1949) stipulates that the arrested children have the rights to education and play. Article 132 of the Geneva Convention IV (1949) encourages the release of children to a place of accommodation in neutral countries. In the case of occupation, Article 76 of the Geneva Convention (1949) provides for the special treatment of children charged with crimes under laws which are applicable before the occupation took place. Protocol I (1977) also emphasized that children under the age of 15 who are directly participating in hostile actions and experiencing adverse circumstances shall benefit from the special protection provided by Article 77(3) of the Protocol. Moreover, special protection for arrested children is not limited to international

armed conflicts. Finally, Article 4(3) (d) of Protocol II (1977) states that there is an identical provision for non-international armed conflicts.

Children and the Death Penalty

Seventh, another crucial matter concerning children's right is the implementation of the death penalty on children. This issue has been the subject of many conventions and conferences, for example the diplomatic conferences that established the Geneva conventions (Dixit, 2001). Article 68 of the Geneva Convention IV (1949) has established the maximum age of 18 for the implementation of the death penalty on children. The penal code of several countries worldwide provides a similar provision, on the grounds that a person under 18 years old has no full capability to make a sound judgment (Al-Najjar, 2011). Next, Protocol I (1977) affirms this provision by stating in Article 77 that capital punishment shall not be implemented on those below the age of 18 at the time of committing the crime. The prohibition of death penalty implementation on children extends to non-international armed conflicts. Article 6 of Protocol II (1977) states that capital punishment will not be implemented on children, pregnant mothers and mothers of young children.

Orphaned or Separated Children

Eighth, Articles 24 and 50 of the Geneva Convention IV (1949) contain important provisions regarding the protection of orphaned or children separated from their families as a consequence of armed conflicts. Parties in a conflict have the duty to take the necessary measures to maintain and educate children under the age of 15 who are orphaned or separated from their families because of the war, and not to leave them to their own resources. Likewise, Article 50 stipulates that the occupying power is responsible to ensure sustaining the education of orphaned or children separated from their parents.

The Child and His Cultural Environment

Ninth, armed conflicts may adversely affect children's cultural environment, for example when a child finds himself far away from his family or his own cultural environment, this can affect him negatively (Plattner, 1984). Thus, the Geneva Convention

IV (1949) lays down some rules to maintain children's cultural environment, for example the children will be educated by persons who have similar traditions and cultural values as is stated in Article 24. The same article also provides that the expatriation of children shall be to a neutral country having a similar culture and principles. According to Article 78 (2) of Protocol I (1977), in the case of evacuation of children far away from their parents, the child's education, which includes religious and moral education, shall be provided according to the wishes of the parents.

Alleged Violations of the IHL by Israeli Forces against Children during the Three Gaza Wars

Between 2008 and 2014, the Israeli armed forces waged three destructive wars in the Gaza Strip. Israeli forces committed several violations of the IHL principles during these wars. This article discusses these violations concerning child protection. The discussions are divided into two sections. First, the violations of general protection for children and second, the violations of special protection for children.

1. Violations against the General Protection of Children

Violation of the Humanity Principle

With reference to the Israeli military action during the three wars in Gaza, there were several incidents that went against the principle of humanity which constituted the essence of the IHL. As stated previously, the idea of a humanity principle is to prevent and prohibit any inhuman means, methods and weapons that can cause damages and sufferings to humanity (Vincze, 2017). Human Rights Watch (HRW) in 2009 reported that Israel did misuse some weapons in 2008 war, i.e., white phosphorus shelling in populated areas that had caused casualties among the civilians. White phosphorus is allowed to be used in military operations, but not against civilians. It can also be used in open areas for purposes like providing camouflage and hiding the troops. This is because white phosphorus ignites and burns when it comes into contact with oxygen. It continues to burn until nothing is left or the oxygen is cut-off and the burning temperature has reached 816 degrees Celsius.

Furthermore, the Israeli Ministry of Health has reported that serious injuries or death can occur as a result of using white phosphorus. The white phosphorus contains extremely dangerous and harmful chemical elements. It has been reported that even less than 10 percent of burns on the human body may lead to death due to the white-phosphorus-induced damages caused to the heart, liver and kidneys (Human Rights Watch, 2009). However, Israel had justified the number of civilian victims by arguing it was Hamas' fault for using humans in the vicinity as a shield. In response to this, HRW believed there was no evidence that Hamas had used a human shield to protect Gaza. Furthermore, most areas targeted by Israeli troops where white phosphorus was used, these targets were found to be hospitals, markets and schools. In 2008, the white phosphorus shells that were dropped by Israeli troops in the Gaza Strip had killed 12 civilians, which included 7 children; one of them was a 15-month-old, while dozens more got badly injured (Human Rights Watch, 2009).

Another evidence of inhumane treatment of civilians and children in 2008 was that on 4th January 2009, Israeli forces gathered 60 members of the Samouni family in a house at the Al-Zaytoun district, in Northern Gaza. The family was held hostage without water and electricity due to the imposed siege around the house by the Israeli forces. On 5th January, Israeli soldiers shot one of the family members who had attempted to escape to get some drinking water. Later, on the same day, Israeli troops began shooting the house and targeting it with tanks shells. No ambulances were not allowed to reach the house to evacuate the wounded and the dead. In this massacre involving the Samouni family, 48 members of the family were killed and these included 10 children (Humaid, 2019).

In the 2012 war, there were other massacres committed against Palestinian civilians and children by Israeli troops. On 18th November 2012, Israeli fighter jets, without prior warning, attacked the house of the Al-Dalou family in the Al-Nasser district, Central Gaza. This airstrike killed 10 members of the family which included five children, as well as two of their neighbours. On 19th November, another Israeli airstrike was waged against the Azzam family in the Al-Shojayaa

neighbourhood, Eastern Gaza, which killed two children and injured 22 others (Human Rights Council, 2013).

Nonetheless, the most heinous massacres occurred during the 2014 war which took place at the Al-Shojayaa on 20th July 2014. A total of 60 deaths were reported, which included 17 children (Abu Eisha, 2014). Then there was the Rafah massacre which took place on 1st August and became known as “Black Friday”, where a total of 135 Palestinians were killed, the majority of the victims were children (Badawy, 2015). Throughout the three wars which occurred between 2008 and 2014, the Israelis clearly did not respect the principle of humanity, particularly in terms of how they had treated the civilians, especially those who were still children.

Violation of the Distinction Principle

Under the IHL, parties in a conflict must distinguish between combatants and civilians during military operations. Children as part of the civilian population are subject to the protection provided by this principle (Melzer, 2016). Thus, targeting children directly during armed conflict is a violation of the IHL rules. From the perspective of the principle of distinction in the context of the Israeli atrocities in the three wars in the Gaza Strip, it was posited that the Israelis had launched many attacks against children and civilians. For example, an 18-month-old girl, Farah al-Helu, was killed on 4th January 2009, after Israeli soldiers shot her without mercy when her family tried to evacuate their house in the Zaytoun neighbourhood, Eastern Gaza (Palestinian Center for Human Rights, 2009). Unfortunately, Farah’s death was not the only case involving babies in the 2008 war that clearly was a breach of the principle of distinction between civilians and combatants by the Israelis. The Samouni family massacre was one of the most prominent example of the violations to the principle, in which 48 civilians were killed, which included ten children (Humaid, 2019).

There were also attacks against civilian infrastructures during the 2012 war, for example the airstrike on the Al-Dalou’s family house, killing 12 civilians which included five children, and targeting the Azzam’s family house, killing two children and wounding 22 others (HRC, 2013). Furthermore, two other

massacres were committed by Israeli troops in the Al-Shojayaa neighbourhood which had killed 60 persons including 17 children (Abu Eisha, 2014). As pointed out earlier, the Rafah “Black Friday” involved the killing of 135 with the majority of whom were children (Badawy, 2015). All these cases were clearly a blatant violation of the principle of distinction under the IHL. In the two massacres referred to, Israeli troops launched random attacks on civilians and civilian infrastructures, which had resulted in a higher number of civilian victims. The most solid evidence of the brutality of Israeli occupation and its violation of the principle of distinction under the IHL by targeting children happened in the 2014 war when Israeli forces targeted a group of children who were playing football on a beach in Gaza City. The attack killed four children of the Baker family, i.e., Ismail aged 10, Ahed aged 10, Mohammed aged 11, and Zakaria aged 10. In addition, there were six civilians including another four children from the Baker family, who were wounded in the attack (PCHR, 2017).

Violation of the Precaution Principle

Article 57(1) of the 1977 Additional Protocol I states that “*In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.*” Accordingly, care must be taken by parties in the conflict regarding civilians and civilian infrastructures during military operations and any attacks against innocent civilians and their installations is a violation of this principle. Furthermore, Article 13(1) of the Additional Protocol II (1977) states that “*The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.*”

Statistics from the three Gaza wars showed that Israeli troops never took the principle of precaution into account. This was not the only violation for in many cases, they deliberately targeted civilians as a leverage against Palestinian resistance. Most of the victims in the three wars were civilians and children. During the war in 2008, the number of deaths in Palestine reached a total of 1,417, comprising 1,181 civilians, 313 children and 236 Palestinian fighters. Injured Palestinians totalled 5,303 which included 1,606 children. Meanwhile, in

the 2012 war, 160 Palestinians were killed due to Israeli attacks in the Gaza Strip. These included 105 civilians (34 children) and 1,000 others wounded. Out of the 971 civilians, there were 34 children. According to the UN, more than 2,104 Palestinian were killed in Gaza during the war in 2014. This included 1,462 civilians, 495 of whom were children (PCHR, 2017, August 28).

The number of civilian victims are not the only evidence of the flagrant violation of the precaution principle by Israeli troops during the wars in the Gaza Strip. There are statistics that show that most facilities targeted by Israeli troops were civilian facilities, including houses, hospitals, schools, et cetera.

The Palestinian authority estimated that more than 10,000 houses and mosques were damaged or destroyed in the 2008 war, as well as education facilities, of which 167 schools were damaged (Thompson et al., 2014). In addition, as a consequence of the policy of systematic violence by Israeli forces during the wars in the Gaza Strip, the destruction rate of civilian infrastructures in the 2012 war was enormous, especially when compared to the duration the 2012 war lasted, i.e., for 8 days. During this war, 200 houses were totally destroyed and 1,500 houses were partially destroyed. This destruction led to hundreds of homeless families. On top of that, places of worship were not spared from Israeli violence. Dozens of mosques were damaged by airstrikes; two of them were completely destroyed (Dunia Alwatan, 2012). The same thing happened during the 2014 war. The UN Office for the Coordination of Humanitarian Affairs (OCHA) pointed out that 17,200 houses and 244 schools were destroyed or severely damaged by Israeli attacks (BBC, 2014). The above statistics on the number of victims and extent of destruction revealed that most of the war victims were found to be civilians, thus indicating that Israel does not care about the IHL rules. Not only did the Israelis failed to practice the minimum level of precaution during its military operations, they also deliberately attacked civilians and civilian infrastructures.

Violation of the Proportionality Principle

Behind every military operation, there are a military benefits that parties of armed conflict aim to achieve. However, this does not

mean that the party can launch an attack once there is a military benefit to be obtained. The IHL provides a proportionality principle, that which requires a balance between the military benefits and the expected harms to civilians as a result of the attack. In other words, before launching an attack, the parties to an armed conflict must study the proportionality between the military advantage achieved by the attack and the anticipated damages to civilians; if the damages outweigh the military benefits, then the attack must not be carried out (Melzer, 2016).

Israel grossly violated the principle of proportionality during its three wars in the Gaza Strip. This it did by crushing entire families just for the sole purpose of assassinating a single military target, as in what had happened to the Al Dalou family in the 2012 war. This blatant violation of the proportionality principle killed 10 Al Dalou family members, which included five children; in addition to the two other children of their neighbours. Israel justified this crime by saying that one of the family members is a member of the Izz Al-Din Al-Qassam, the military wing of Hamas. Another similar case happened to the Azzam family, in which Israeli warplanes targeted their home in the Al-Shojayaa district and killed two children and two women; in addition to another 25 wounded, which included 22 children. Concerning the airstrike, witnesses said that Israeli troops tried to assassinate a member of the Azzam family affiliated with the Islamic Jihad (HRC, 2013). On 20th July 2014, the house of Abu Jame's family in Bani Suheila, a town in Khan Younis, Southern Gaza, was targeted and entirely destroyed. This attack killed 26 individuals including 19 children whose age ranges from 4 months to 14 years (United Nations (UN), 2014). The B'Tselem organisation (2015) pointed out that the primary aim of the attack was to assassinate Ahmad Sahmud, the commander in the Izz Al-Din Al-Qassam. This means that the Israeli troops killed 25 civilians in order to get rid of a single combatant.

The series of attacks as detailed above show that the Israeli troops do not value civilian lives. They exterminated entire families for the sake of a small military benefit, which is often the assassination of a single combatant. Therefore, despite

the availability of the IHL to provide special protection for children, the Israeli military operations had clearly shown to be targeting civilians, especially children during the wars which occurred between 2008 and 2014.

2. Violations against the Right of Children for Special Protection

Violations against the Right of the Child to Education

Article 50 of the Geneva Convention IV (1949) states that there is a responsibility incumbent on parties of any armed conflict to preserve the continuity of the education process during armed conflicts. Furthermore, this is not the only responsibility of the parties in conflict, the occupying authority has also to continue to facilitate the operations of educational institutions in the occupied territory.

Regarding the three Gaza wars, Israel trampled on and ignored the rules of the IHL in relation to protecting the rights of children in continuing their education in spite of the armed conflict. There were several violations of the children's right to education by targeting the institutions of education. It was during the first war (2008-2009) in Gaza that Israeli troops considered the institutions of education as legitimate targets. At least 280 schools and institutions of education were damaged or destroyed by Israeli military operations, as well as the killing of 250 students and 15 teachers during the war. Besides, 856 students and 19 teachers were injured, as reported by the UN Fact-Finding Mission on the 2008 war in Gaza. However, for the students' safety, institutions of education were closed for around three weeks until the end of the war (Jalbout et al., 2014).

During the 2012 war, several schools, students and teachers were targeted by Israeli forces. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that 11 students and four teachers were killed and 300 students were injured. Additionally, as a result of the Israeli attacks, 300 educational facilities were damaged, or fully or partially destroyed. The education process was stalled throughout the war days, causing disruptions to the term examinations (Jalbout et al., 2014).

Many education institutions were targeted during the latest war in Gaza, where 26 schools were fully destroyed and another 148 schools were partially destroyed. This does not include the damages caused to 49 private schools and 199 kindergartens as reported by Mutassim al-Minawi, the Director of International and Public Affairs, Ministry of Education, Palestinian Authority. Al-Minawi added that the total costs as a result of the destruction in the education sector caused by the Israeli military operations in the Gaza Strip during the 2014 war amounted to \$33.5 million (Abou Jalal, 2014). Israeli wars not only had an immediate physical impact on children's education by killing the students and their teachers and disrupting the education process, but they also had serious psychosocial impacts, especially on the victims. UNESCO reported 76.8 percent of the teachers in Gaza noticed their students' level of education attainment dropped tremendously after the 2008 war compared to before the war. This means that the Israeli operations have negatively affected the physical and psychosocial aspects of children's education in the Gaza Strip (Jalbout et al., 2014).

Violation of the Evacuation of Children Principle

As pointed out in the foregoing discussions, one of the special protection principles provided by the IHL to children is the evacuation of children from the besieged and fighting areas. Israeli forces, during the three wars in the Gaza Strip, had breached this principle. For example, the crime committed by Israeli forces during the 2008 war against the Samouni family by gathering all the 60 members of the family in one house. Most of them were, unfortunately children. The Israeli forces imposed a siege around the house before it became a target and killed 48 of the family members, which included 10 children (Humaid, 2019). Despite knowing that most of the hostages were children, the Israeli forces still imposed a siege over the house. This is not only a violation of the evacuation of children principle, but also a crime against humanity according to Article 3 of the Geneva Convention IV (1949). In addition, the sudden and random attacks which occurred in Shojayaa, Rafah and Khozaa during the 2014 war had targeted dozens of civilians and children as the main victims. This is a strong and solid evidence of Israel's breach of the IHL's principle of children evacuation.

CONCLUSION

Children are considered the most vulnerable category during armed conflicts. The IHL as the law responsible for regulating the behaviour of parties in armed conflicts, is aimed at reducing the sufferings of children during armed conflicts by providing two types of protection for children. First, is the general protection a child has as a civilian and second is the special protection provided by specific articles in the IHL dealing with the protection of children in wartime. Therefore, if the parties in armed conflicts respect the specific provisions of the IHL, this legal instrument can be seen as already having the capacity to provide sufficient protection for children during armed conflicts.

Israel's actions, during the three wars in the Gaza Strip between 2008 and 2014, were for most of the time blatantly violating the IHL's principles on the general protection of children as members of a civilian population, for example, with respect to the humanity principle, the distinction principle, the precaution principle and the proportionality principle. During the three wars in the Gaza Strip, Israeli attacks also breached the special protection of children under the IHL, because they targeted schools which led to the suspension of schooling; thus constituting a violation of a child's right to education. They also violated the principle of the evacuation of children by preventing children from being evacuated from the areas of armed conflict, for example, as had happened in the tragedy involving the Samouni family in the 2008 war and in Shojayaa, Rafah and Khozaa in 2014.

Israel's repetitive violations of the IHL principles during the three wars between 2008 and 2014 clearly show that the Zionist country has no respect for the IHL, hence indirectly indicating the weaknesses of the IHL in relation to the binding tools which can force countries to respect and comply with its rules. In addition, it shows the silence of international bodies on these violations, such as the UN and its Security Council. Thus, children in the Gaza Strip are still at risk from any potential violations that could be committed in any future wars. International communities should be held responsible for protecting children and compel Israel to become accountable for violating the IHL rules on child protection during the three wars in the Gaza Strip. In addition, instead of only stating the illegal or prohibited actions to avoid, the IHL instruments should also be improved, for example,

to include binding tools that will ensure the effective enforcement of its rules on the parties in conflict and to prevent them from further committing any illegal practices.

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